

APPROVED 07/13/2006

At 6:05 pm the Board's meeting was called to order. Present were Selectmen Gene Cordes and Peter Bolduc; Town Administrator Heidi Carlson; Road Agent Guerwood Holmes; Dale and Darrell Turner.

Cordes began by discussing the history of information on file at the Town Offices, indicating that the sluiceway is believed to be belonging to the dam owner. There are repairs to be done, and it is not Town property, so the Town cannot fund the repairs.

Dale Turner said that he does not own the sluiceway, due to what his deed says. He recited the deed information indicating he owns from the NW corner of a sluiceway gate across the road to the fence 60 feet westerly into the pond, from that point 50 ft to an angle to the high water mark of the pond, around to the southwesterly side of the bridge.

Dale said that the roadway had been laid out over, and that he did not believe there was a recorded town right-of-way there at all. Cordes added that some of that is simply prescribed in history.

Cordes asked Dale what he wanted to do with it. He answered that technically that all he could do is put some gates in at the sluiceway. He said that that he would put gates in there, with a new 10-12 foot sluiceway in there.

Dale said there is no mention of property rights that belong to the sluiceway in his deed. He said by reading the deeds it can't be determined who owns it. Dale said he did not even have a theory about who did own it.

Paper trail wise, Dale Turner said he has a place he can point his finger, but will not do it now. He would not share any further information it with the Board, but said it could possibly belong to an "abutter."

He said that nobody seems to legally own the sluiceway, and that he would put a quitclaim deed on it to make it become a piece of his property. He said if no one owns it, he will simply claim it and work with the Town and see what money is available in grants or whatever, to fix it.

Dale said he was not going to put himself in a bind for something he doesn't own. Once he had some ownership, then he would consider putting money toward fixing it.

Dale said that the sluiceway was put in colonial times, back when there was a gristmill there. It was Bassett mill and formerly a grain and farm supply store along with a gristmill. The names Brown and Kimball are in the title tract, but does not say where it is.

Dale said he did not own where the gristmill was, but said Earl Turner did at one time. He said he thought that the gristmill was attached to the Collins building, before Earl Turner took the gristmill down.

Cordes recapped that the Town has an interest in preparing the road, and the sluiceway is in need of repair, both the cap and sidewalls look fragile and it is difficult to control the flow. Higher or larger and opening from the bottom would all help to alleviate future flooding problems. There have been two to three events in the past few years worrying about the severe damage that has happened in 2006.

Dale Turner said he feels it needs a 10 to 12 foot wide opening.

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Cordes said it is likely foolish on the Town's part to build on top of this structure that is fragile at best, and to move ahead we need to know who is responsible for what. The Town is not able to fix private property. Dale Turner feels that he does not have any ownership of it.

Turner said that he owns the water rights controlled by the dam at the sluiceway and at the main dam, and that he will not relinquish that. For clarity, Carlson asked if the gate is attached to the sluiceway, and Turner said it is. He said the gate is required at the sluiceway by the State, as a dam water flow control.

There is a gate at the main dam and one at the sluiceway. Turner feels that he owns the gate and the water rights at the sluiceway.

It is a bottleneck in this area, and there was some discussion about Dale Turner opening the dam spring or fall and regulating water flow to avoid as much flooding as possible.

Turner said that he has an understanding with the Fire Chief that if Dale is not around in a flooding event, that Heselton can do what he needs to do in a high water situation. The decision needs to be made less on the strength of existing personal relationships, and more likely a written agreement would need to be drafted.

Dale Turner said he had priced gates with a single center butterfly valve, for \$15,000 each, four foot gates. The gates could be opened easily in the way of the flow. The style was discussed, and Turner said he would drop off a copy of the cut sheet to be reviewed by the Town.

Selectmen suggested meeting again next week so that they have a chance to talk to Don when he gets to the meeting, and further with Holmes this evening.

Neal Janvrin came into the meeting at 6:30 pm.

Dale Turner provided the Board a copy of his deed for the file. The Turner's left the meeting at approximately 6:35 pm.

While Guerwood Holmes was still at the meeting, Carlson discussed a complaint received this week from Kingman Court resident Gene Gibson. He has talked with Holmes on other occasions about the look of the middle of the cul-de-sac at Kingman Court. He feels it is a safety hazard and it is ugly, and not fair to the property owners who pay what he termed substantial property taxes. Holmes said that developer had put loam up there, but some had washed away, and that it was not screened loam. There was discussion about how to fix it, and Selectmen will look at the cul-de-sac during the next week and discuss it again next week.

Motion was made by Bolduc and seconded by Cordes to enter non-public session at 6:45 pm to discuss a legal matter pursuant to NH RSA 91-A 3 II (e). The vote was unanimously approved 2-0.

At 6:55 pm motion was made by Bolduc and seconded by Cordes to return to public session. The vote was unanimously approved 2-0. No decisions were made.

DEPARTMENT HEADS

Neal Janvrin said that Don Gates III has expressed some interest in the Animal Control Officer position. Janvrin said that it is overall better for the Board of Selectmen and the Police Department if the ACO can be a police officer. If so, they can then do investigations and are able to do such things as serving summonses.

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There was concern about the time the position needs and Gates' availability, and Janvrin said he has cleared it with his full-time position supervisor.

Selectmen suggested doing it on a probationary basis to see how it works, given it is a new position for Gates and there is some learning process involved. This gives the Town and the employee the opportunity to see how it works out.

Janvrin will go back to Gates and further discuss the position with him.

Lisa Maffei said that the Murdock's rescue equipment had been returned with the exception of the mobile radio installed in Kyle's truck. Maffei said that the email she received from them simply indicated that they would be gone for the summer. Selectmen felt the radio should be returned until such time as it is decided they would come back.

Maffei said that the Squad has two other members that have not been active for the past two years and have been asked to return their equipment, but it has not been returned yet. Maffei asked for the Board's input on sending a follow-up letter to them as well. Selectmen felt that they needed to be approached about the equipment again as they had not been on a call for over a year.

Maffei will send a follow-up letter to these members (Toohey and Messina) and the Selectmen will send a follow-up letter to Kyle Murdock on the mobile radio.

NH LGC Member Relations Manager Tom Dunn came into the meeting at 7:20 pm.

There was a brief discussion about the American Red Cross Agreement. There has been some follow-up from Thom Roy and the Rescue Squad. The agreement is currently tabled until further follow-up discussion can take place with the Fire Chief.

While Maffei was here, along with Dunn, Carlson discussed the questions from a few weeks ago about Fremont Rescue moving toward providing more ALS skills, in that there are now several more members who are at the EMT-Intermediate level. Carlson had asked NHLGC (property liability carrier) and Primex (workers compensation carrier) if any rates changed based on more intermediates and more advanced services. The answer in both cases was that nothing changed. Coverage is based on rescue squad members and it does not matter at what level of service they practice.

Lisa Maffei left the meeting at 7:30 pm.

At 7:30 pm Selectmen met with Tom Dunn from the Local Government Center. Dunn was present to provide some information to the Board on the types of services offered by LGC with regard to Property Liability Insurance.

Dunn discussed some of the training programs offered by the Trust including some of their new programs and coverages. He discussed several items with the Board.

Gates stepped out of the meeting for a phone call at 7:55 pm.

He left some brochures outlining the services offered by the Trust. Several questions were posted to him about types of coverage and different scenarios for claims.

Dunn left the meeting at 8:00 pm. Selectmen thanked him for his time.

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At that time, Matthew Thomas met with the Selectmen. He wanted to discuss the naming of streets in Fremont. He referred back to the Town Meeting vote, which was advisory in nature. Thomas said that he thought he would have picked up on that. Carlson had sent him last week some state statutes pertaining to street naming, indicating that the Board of Selectmen are the governing body who have the ultimate authority in street naming (RSA 231:133).

Cordes said that once a road was accepted is when the Town can take jurisdiction of the name. Prior to acceptance they are private roads. Thomas said that developers should be forewarned about this and made to change the name once it has become a town road.

Cordes indicated that by the time a road is accepted, people are living there and it would entail addressing and streets names being changed. This is cumbersome and becomes quite confusing for residents and public safety response agencies as well.

Cordes suggested that someone prepare a one page cut sheet about what the Town is looking for in terms of street naming, to be used as a guidance document, including concepts we are looking for in street names for new subdivisions. Thomas said he received information from Thom Roy about adding a provision to the Subdivision Regulations.

Selectmen thought that putting something in the subdivision regulations may be a good first step. Carlson suggested that Thomas take a first draft at the document, and that she would add information about duplicate naming, public safety concerns, etc. This could be put on the Town's website, used as a basis for Planning Board information, and as an informational handout.

Gates returned to the meeting at 8:20 pm.

Thomas also wanted to get some information from the Selectmen about having a stall built for the Historical Museum to house the hearse and fire hand tub. Cordes asked Thomas to sketch out on a piece of paper what he thought it should look like when all done. Funding would have to be proposed at a future Town Meeting, but the prep work will be valuable no matter what. Thomas agreed to start working on a sketch of what he thought it should look like and get back to the Board.

Thomas left the meeting at approximately 8:45 pm.

OLD BUSINESS

1. Selectmen reviewed the minutes for 22 June 2006. Motion was made by Bolduc and seconded by Gates to approve the minutes as written. The vote was unanimously approved 3-0.
2. Selectmen signed the payroll manifest \$18,004.44 and accounts payable manifest \$47,139.66 from June 29, 2006.
3. The Torromeo/MDR appeal will be forthcoming. Appeal time frame was actually 90 days, and Attorney Ryan has been unofficially notified that they are planning to appeal the last decision.
4. The background check for Joe Gottlich was acceptable and the Selectmen signed the appointment form for him as Emergency Management Director. A follow-up letter was sent to him and the other candidate who was in the process.
5. Selectmen signed a letter to NH Electric Cooperative regarding denial of the abatement which was voted on June 22, 2006 based on the recommendation of George Sansoucy LLC.

6. Cemetery wage rates were again discussed. This prompted the Selectmen to send a follow-up letter to Don Denney about his interest in serving as the Cemetery Superintendent.
7. It was noted again that Martin Ferwerda's paving deadline is July 15, 2006. Selectmen directed Carlson to draft a letter to be ready for signature by that time if the work is not done, putting the bank on notice of a lien against the Letter of Credit.
8. Carlson discussed with the Selectmen the Fire Team USA workshop coming up in October. No board members were interested in attending due to the weekday time commitment (1.5 to 2 days), but were supportive if the Fire Chief, and Town Administrator or other town official, wanted to go. Chief Heselton will look further into the program.
9. Selectmen reviewed the NH DRA letter regarding the certification process. Fremont did well in the revaluation, and had satisfactory reviews in all areas. A brief letter will be written back to Keith Gagnon to follow-up the report.

NEW BUSINESS

1. Selectmen reviewed the current week accounts payable manifest in the amount of \$8,495.67. Motion was made by Gates and seconded by Bolduc to approve it. The vote was unanimously approved 3-0.
2. Selectmen reviewed a tax deferral for parcel 03-169.49. The deferral was approved in the amount of \$5,264.00 and the Selectmen signed the form. A waiver for hardship on time for filing was also granted. Carlson will prepare a deferral form for the Board to sign to forward to the Tax Collector.
3. Selectmen signed a lien form for parcel 01-045 for recording.
4. Selectmen reviewed and signed a Petition for Temporary and Permanent Injunctive and Other Relief on the Seacoast Farms operation. This will not be filed until Attorney Ryan returns.
5. Forest Fire Warden, Deputy Warden, and Issuing Agent appointments have been recommended by Chief Heselton. Selectmen reviewed the list and signed for approval on the Chief's (Warden's) recommendations. This included a new appointment for Richard Butler as a Deputy Warden; Joe Nichols as an Issuing Agent; renewal of Deputy Warden appointments for Gordon Copp, Thomas Roy, Heidi Carlson, Darrell Turner, Kevin Zukas, and Fred LeClair; and Issuing Agent reappointments for Brett Hunter, Steve Toohey, David Barker, Neal Janvrin, and the Warden reappointment for Richard Heselton. Renewals were not processed for Honorary Member Lloyd Metevier and Vartan Garbouchian.
6. Selectmen were advised that there was a Fire truck backing accident on Tuesday evening and a claim was filed with the insurance company today. There was no damage to Town property.
7. Selectmen reviewed additional complaints from Randy Grasso complaints about Beede Hill Road trucking. The minutes of the last meeting with Grasso (01/26/06) were consulted and a letter drafted to Grasso.
8. Selectmen reviewed a letter dated July 3, 2006 from Walter Gilde regarding flat tires he indicates he received from hitting a pothole on the side of Shirkin Road. Selectmen referred back to the statute regarding maintenance and reiterated that all drivers have to drive with due regard, and to be in control of their vehicles at all times. A letter will be drafted to Mr Gilde with statute reference information enclosed.

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9. Selectmen reviewed the newly proposed Circuit Rider agreement between the Planning Board and Rockingham Planning Commission. Budgeted this year was an additional four (4) hours per month of services as requested by the Planning Board. This contract was signed by Chairman Cordes.

10. Selectmen received a copy of a police incident log (06-5511) regarding an anonymous complaint to the Police Department of an electric cow fence that is alleged to be within the Town right-of-way of Sandown Road. Selectmen discussed several other such agricultural uses, and were not inclined to further discuss it without a complainant to explain their concerns further.

OTHER BUSINESS

1. Selectmen drafted and signed letters to Kyle Murdock regarding the mobile radio; to Randy Grasso regarding his complaints about trucking and Beede Hill Road; to Kevin Zukas regarding an appeal; and to Donald Denney regarding appointment as the Cemetery Superintendent.

2. Selectmen brought Gates up to date on the earlier discussions about Rescue Squad equipment, and the Scribner Road discussion.

Selectmen discussed doing a temporary fix to the road issue, as well as further information for the meeting next week with Dale Turner. The Board felt strongly that the ownership issue needs to be defined, and it is a legal issue to be forwarded to the Town's counsel upon his return in mid-July.

3. There was a brief discussion about the status of fireworks permits in Fremont. Selectmen remembered the discussion last as the Fire Chief having jurisdiction over any permitting. Chief Heselton had called on Friday prior to the holiday indicating he thought that the Town had prohibited them completely. Selectmen thought their last discussion left it to the chief's discretion (and the Chief had only been planning to issue permits to professional, licensed companies for permissible fireworks). At that time, Heselton had not wanted to get into a permitting process, which the Board said was within his jurisdiction. This will be reviewed again when the Chief is at a meeting.

4. Selectmen reviewed a memo from Guerwood Holmes regarding ballfield work for the new basketball court.

NEXT WEEK

The next regular Board meeting will be held on Thursday July 13, 2006 at 6:00 pm.

With no further business to come before the Board, motion was made by Gates and seconded by Bolduc to adjourn the meeting at 11:05 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator